

CHAPTER 1065**TRANSPORTATION RULES — APPROVAL BY COMMISSION***H.F. 623*

AN ACT requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 307.10, Code 1991,* is amended by adding the following new subsection:
NEW SUBSECTION. 8. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 9.

Approved April 13, 1992

CHAPTER 1066**ORGANIZATION OF COOPERATIVE ASSOCIATIONS***H.F. 2262*

AN ACT relating to the organization of cooperative associations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499.43, unnumbered paragraph 1, Code 1991, is amended to read as follows:

An existing Iowa co-operative corporation organized pursuant to chapter 497, by a majority vote of all its members, at a meeting called for that purpose and held before its present articles expire, may amend its articles to comply with this chapter and section 499.40, which may extend its corporate duration. The amended articles shall be executed and filed, and a certificate of incorporation issued, as required by section 499.44. Upon issuance of the certificate, the corporation shall be deemed an association under this chapter.

Sec. 2. NEW SECTION. 499.43A EXISTING COOPERATIVES ORGANIZED UNDER CHAPTER 498 — OPTION.

A cooperative association organized under chapter 498 may elect to be governed by and to comply with the provisions of this chapter. The election shall be governed by the following procedures:

1. The board of directors and members must adopt a resolution reciting that the cooperative association elects to be governed by and to comply with this chapter. The cooperative association, to the extent necessary, shall change its name to comply with the provisions of this chapter. The resolution shall be adopted according to the same procedures as provided in section 499.41. Upon the adoption of the resolution, the cooperative association shall execute an instrument on forms prescribed by the secretary of state. The instrument must be signed by the president and secretary and verified by one of the officers signing the instrument. The instrument shall include all of the following:

a. The name of the cooperative association, before and after this election.
b. A description of each resolution adopted by the cooperative association pursuant to this section, including the date each resolution was adopted.

2. The instrument shall be filed with the secretary of state and with the county recorder in the county in which the principal office of the cooperative association is located. The cooperative association shall amend its articles of incorporation pursuant to section 499.41 to comply with the provisions of this chapter. The secretary of state shall not file the instrument unless the cooperative association is in compliance with the provisions of chapter 498 at the time of

*Section 307.10 amended in 1991 Iowa Code Supplement

filing. A cooperative association shall file an annual report which is due pursuant to section 499.49. Upon filing the instrument with the secretary, all of the following shall apply:

a. The cooperative association shall be deemed to be organized under this chapter and the provisions of this chapter shall apply to the cooperative association.

b. The secretary of state shall issue a certificate to the cooperative association acknowledging that it is deemed to be organized under this chapter.

3. The application of this chapter to the cooperative association does not affect a right accrued or established, or liability or penalty incurred pursuant to chapter 498, prior to the filing of the instrument with the secretary of state.

Approved April 13, 1992

CHAPTER 1067

VACANCIES IN COUNTY OFFICES

H.F. 2304

AN ACT relating to the procedure for filling vacancies that occur in county offices.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 69.13, subsection 2, Code Supplement 1991, is amended by striking the subsection.

Sec. 2. Section 69.14A, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

69.14A FILLING VACANCY OF ELECTED COUNTY OFFICER.

1. A vacancy on the board of supervisors shall be filled by one of the two following procedures:

a. By appointment by the committee of county officers designated to fill the vacancy in section 69.8. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the committee of county officers designated to fill the vacancy chooses to proceed under this paragraph, the committee shall publish notice in the manner prescribed by section 331.305 stating that the committee intends to fill the vacancy by appointment but that the electors of the district or county, as the case may be, have the right to file a petition requiring that the vacancy be filled by special election. The committee may publish notice in advance if an elected official submits a resignation to take effect at a future date. The committee may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection shall have actually resided in the county which the appointee represents sixty days prior to appointment.

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term. The committee of county officers designated to fill the vacancy in section 69.8 may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee shall order the special election at the earliest practicable date, but giving at least thirty days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.